IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11591 of 2005

To

SPECIAL CIVIL APPLICATION No. 11609 of 2005

For Approval and Signature:

Hon'ble**MR.JUSTICE KSHITIJ R.VYAS**

Hon'ble MR.JUSTICE AKSHAY H MEHTA ==========

==========

1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

==========

JAMALBHAI KASAMBHAI MULTANI - Petitioner(s)

Versus

MUNICIPAL COMMISSIONER SURAT &3 - Respondent(s)

==========

Appearance :

MR RM CHHAYA for Petitioner No(s).: 1.
Mr P G Desai, for respondent no. 1
Mr H L Jani, AGP for respondents No.2 and 3

==========

CORAM : HON'BLE MR.JUSTICE KSHITIJ R.VYAS

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date : 22/06/2005

ORAL (COMMON) JUDGMENT

(Per : HON'BLE MR.JUSTICE AKSHAY H.MEHTA)

.

Rule. Mr P G Desai, learned Advocate waives service of notice of rule for respondent no.1 and Mr H L Jani, learned Asstt.Government Pleader waives service of notice of rule for respondents no.2 and 3.

This group of 22 petitions is directed against the proposed action of eviction of the petitioners from the premises which are now falling within the road line determined under the Town Planning Scheme. It is their apprehension that without providing alternative accommodation, they will be evicted and thereafter their houses/shops will be demolished and they will be rendered homeless. In these petitions, they have prayed that the respondents be directed to provide them alternative arrangement of accommodation.

1. We have heard Mr R M Chhaya, learned Advocate appearing for the petitioners and Mr P G Desai, learned Advocate for respondent no.1 and Mr H L Jani, learned AGP for respondents no.2 and 3. It is stated by Mr Desai for the Municipal Corporation that if the petitioners will make necessary application for providing them alternative accommodation, their applications will be considered by the Corporation in accordance with the policy framed by it and will provide them alternative accommodation accordingly. Mr Chhaya agrees to make such applications. In view of the aforesaid position, the petitions can be disposed of by granting the following directions:

1. The petitioners shall make application to respondent no.1 for providing them alternative accommodation on or before 30.6.2005.
2. As and when such applications are made by the petitioners and received by respondent no.1, the respondent-Corporation shall consider these applications in accordance with the policy framed by it by providing alternative accommodation to the petitioners.
3. Respondent no.1-Corporation shall take decision on such applications within a period of two weeks from the date of receipt of the applications.
4. Respondent no.1 shall not evict the petitioners who are actually residing and at present occupying the houses which are proposed to be demolished by respondent no.1 till 15.10.2005. Of course, this will not come in the way either of the petitioners or the respondent no.1 in making the applications and deciding the same.
5. If the occupiers of residential premises apply for grant of suitable/reasonable time for raising construction if vacant plots are allotted to them, their applications may be considered by respondent no.1 sympathetically.

   With the aforesaid direction, these petitions stand disposed of. Rule is partly made absolute.

[Kshitij R Vyas, J.]

[Akshay H Mehta, J.]
msp